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SERVICE DATE - APRIL 18, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 392X)

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY—  
ABANDONMENT EXEMPTION—IN FLATHEAD COUNTY, MT

Decided: April 15, 2002

The Burlington Northern and Santa Fe Railway Company (BNSF) filed a verified notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 3.60-mile line of railroad between milepost 1227.58 and milepost 1231.18, in Kalispell, Flathead County, MT (line). Notice of the exemption was served and published in the Federal Register (67 FR 13209) on March 21, 2002. The exemption is scheduled to become effective on April 20, 2002.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on March 26, 2002. Comments to the EA were due by April 10, 2002. No comments to the EA were received. In the EA, SEA stated that the Montana Historical Society (MHS) had determined that several previously recorded cultural properties may be located within the area of their preliminary search. MHS had also determined that a survey of the areas that have the potential to be impacted is necessary. Under these circumstances, SEA recommends imposition of a condition requiring BNSF to retain its interest in the line until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA).

SEA also recommended that, if there are any planned activities that could disturb or destroy any geodetic station markers discovered on the line, BNSF contact the National Geodetic Survey (NGS). SEA notes that NGS requires not less than 90 days' notification in advance of such activities in order to plan for the relocation of the station markers.

The conditions recommended by SEA will be imposed. As conditioned, this action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.

2. Upon reconsideration, the exemption of the abandonment of the line described above is subject to the condition that BNSF: (1) retain its interest in and take no steps to alter the historic integrity of all sites or structures on the right-of-way until completion of the section 106 process of the NHPA; and (2) notify NGS 90 days prior to salvage activities in order to plan for relocation of any geodetic station markers discovered on the line.

3. This decision is effective on the date of service.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary